

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	{	CHAPTER 13
MARIANNE ELIZABETH DETLING	{	
DEBTOR	{	CASE NO.: A19-55422-WLH

**CHAPTER 13 TRUSTEE'S MOTION OBJECTING TO THE
DEBTOR'S DISCHARGE PURSUANT TO 11 U.S.C. SECTION 1328(f)**

COMES NOW NANCY J. WHALEY, Standing Chapter 13 Trustee in the above-styled case, and files this Motion Objecting to the Debtor's Discharge pursuant to 11 U.S.C. Section 1328(f). The Trustee respectfully shows the Court the following:

1.

11 U.S.C. Section 1328(f) states that the Court:

shall not grant a discharge of all debts provided for in the plan or disallowed under section 502, if the debtor has received a discharge-

(1) in a case filed under chapter 7, 11, or 12 of this title during the 4-year period preceding the date of the order for relief under this chapter, or

(2) in a case filed under chapter 13 of this title during the 2-year period preceding the date of such order.

2.

The Debtor filed the instant case as a Chapter 7 case on April 4, 2019. The Court entered an Order granting the Debtor a discharge pursuant to 11 U.S.C. Section 727 on August 15, 2019. The case was converted to one under Chapter 13 on October 20, 2021.

WHEREFORE, as the Debtor has received a discharge under Chapter 7 within four (4) years prior to filing this Chapter 13, the Trustee prays that this Court enter an Order Confirming that the Debtor is ineligible for a discharge in this case pursuant to 11 U.S.C. Section 1328, and any other relief deemed proper by this Court.

Respectfully submitted,

/s/
Ryan J. Williams,
Attorney for Chapter 13 Trustee
GA Bar No. 940874
303 Peachtree Center Ave., NE
Suite 120
Atlanta, GA 30303
(678) 992-1201

/scw

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NORTHERN DISTRICT OF GEORGIA
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IN RE:	:	CHAPTER 13
MARIANNE ELIZABETH DETLING	:	CASE NUMBER A19-55422-WLH
<u>DEBTOR</u>	:	
	:	
NANCY J. WHALEY, TRUSTEE	:	
MOVANT	:	CONTESTED MATTER
VS.	:	
MARIANNE ELIZABETH DETLING	:	
<u>RESPONDENT</u>	:	

**NOTICE OF HEARING ON CHAPTER 13 TRUSTEE'S MOTION OBJECTING
TO THE DEBTOR'S DISCHARGE PURSUANT TO 11 U.S.C. SECTION 1328(f)**

PLEASE TAKE NOTICE that Nancy J. Whaley has filed a Motion Objecting to the Debtor's Discharge Pursuant to 11 U.S.C. Section 1328(f) with the Court.

PLEASE TAKE FURTHER NOTICE that the Court will hold an initial telephonic hearing for announcements on the Motion at the following number: **Toll-Free: 833-568-8864; Meeting ID: 161 202 1574, at 10:20 a.m. on January 26, 2022 in Courtroom 1403, United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, GA 30303.**

Matters that need to be heard further by the Court may be heard by telephone, by video conference, or in person, either on the date set forth above or on some other day, all as determined by the Court in connection with this initial telephonic hearing. Please review the "Hearing Information" tab on the judge's webpage, which can be found under the "Dial-in and Virtual Bankruptcy Hearing Information" link at the top of the webpage for this Court, www.ganb.uscourts.gov for more information.

Your rights may be affected by the Court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in the bankruptcy case. (If you do not have any attorney, you may wish to consult with one). If you do not want the Court to grant the relief sought in this pleading or if you want the Court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including address) you

served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is **Clerk, U.S. Bankruptcy Court, Suite 1340, 75 Ted Turner Drive, S.W., Atlanta, Georgia 30303**. You must also mail a copy of your response to the undersigned at the address stated below.

THIS THE 28th day of December, 2021.

Respectfully submitted,

/s/ _____
Ryan J. Williams,
Attorney for Chapter 13 Trustee
GA Bar No. 940874
303 Peachtree Center Ave., NE
Suite 120
Atlanta, GA 30303
(678) 992-1201

/scw

CERTIFICATE OF SERVICE

Case No: A19-55422-WLH

I certify that on this day I caused a copy of this Chapter 13 Trustee's Motion Objecting to Discharge Pursuant to 11 U.S.C. Section 1328(f) and Notice of Hearing to be served via United States First Class Mail with adequate postage prepaid on the following parties at the address shown for each:

MARIANNE ELIZABETH DETLING
188 PINEHURST LANE
MARIETTA, GA 30068

I further certify that I have on this day electronically filed the foregoing Chapter 13 Trustee's Motion Objecting to Discharge Pursuant to 11 U.S.C. Section 1328(f) and Notice of Hearing using the Bankruptcy Court's Electronic Case Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

Attorney for the Debtor(s):

DAVID A. COX

This the 28th day of December, 2021.

/s/ _____
Ryan J. Williams
Attorney for the Chapter 13 Trustee
State Bar No. 940874
303 Peachtree Center Avenue, NE
Suite 120
Atlanta, GA 30303
678-992-1201